

Cleveland Board of Zoning Appeals Monday December 5, 2022 at 9:30 AM **PLEASE MUTE YOUR MICROPHONE**

> Kelley Britt, Board Chair Elizabeth Kukla, Secretary

Cleveland Board of Zoning Appeals

December 5, 2022

Preamble

IN COMPLIANCE WITH NOTIFICATION REQUIREMENTS OF THE CITY'S OPEN MEETING LAW, AND SECTION 101.021 OF THE CODIFIED ORDINANCES OF CLEVELAND, OHIO, 1976, NOTICE OF THIS MEETING HAS BEEN PUBLICLY POSTED.

All BOARDS AND COMMISSIONS UNDER THE PURVIEW OF THE CITY PLANNING DEPARTMENT CONDUCTS ITS MEETINGS ACCORDING TO ROBERT'S RULES OF ORDER. ACTIONS DURING THE MEETING WILL BE TAKEN BY VOICE VOTE. ABSTENTIONS FROM ANY VOTE DUE TO A CONFLICT OF INTEREST SHOULD BE STATED FOR THE RECORD PRIOR TO THE TAKING OF ANY VOTE.

IN ORDER TO ENSURE THAT EVERYONE PARTICIPATING IN THE MEETING HAVE THE OPPORTUNITY TO BE HEARD, WE ASK THAT YOU USE THE RAISE HAND FEATURE BEFORE ASKING A QUESTION OR MAKING A COMMENT. THE RAISE HAND FEATURE CAN BE FOUND IN THE PARTICIPANTS PANEL ON THE DESKTOP AND MOBILE VERSION AND ACTIVATED BY CLICKING THE HAND ICON. PLEASE WAIT FOR THE CHAIR OR FACILITATOR TO RECOGNIZE YOU AND BE SURE TO SELECT UNMUTE AND ANNOUNCE YOURSELF BEFORE YOU SPEAK. WHEN FINISHED SPEAKING, PLEASE LOWER YOUR HAND BY CLICKING ON THE RAISE HAND ICON AGAIN AND MUTE YOUR MICROPHONE.

WE WILL ALSO BE UTILIZING THE CHAT FEATURE TO COMMUNICATE WITH PARTICIPANTS. THE CHAT FEATURE CAN BE ACTIVATED BY CLICKING THE CHAT BUTTON LOCATED ON THE BOTTOM OF THE WEBEX SCREEN.



Cleveland Board of Zoning Appeals December 5, 2022

Preamble

ALL MEETING ACTIVITY IS BEING RECORDED VIA THE WEBEX PLATFORM.

THESE PROCEEDINGS ARE ALSO BEING <u>LIVE STREAMED</u> VIA YOUTUBE FOR PUBLIC VIEW.

WE HAVE PROVIDED A LINK TO THE MEETING FOR THOSE WHO WISH TO SPEAK ON A PARTICULAR CASE VIA OUR WEBSITE AND EMAIL.

ALL REQUESTS TO SPEAK ON A PARTICULAR MATTER HAVE BEEN CONSIDERED.

WE HAVE ALSO RECEIVED EMAILS FROM THOSE WHO HAVE PROVIDED WRITTEN COMMENT ON A PARTICULAR MATTER.



Cleveland Board of Zoning Appeals

Call to Order & Roll Call



Cleveland Board of Zoning Appeals

Postponements/Withdrawals





NONE TODAY

Cleveland Board of Zoning Appeals

Public Hearing



Calendar No. 22-206:

2017 West 44th St.

NOTE: Ordinance No. 1238-2022, introduced to Cleveland City Council on November 21, 2022 but not yet passed or enacted, would change the previously issued Notice of Non-Conformance in the following (noted in strike-through and red text):

AHA Development OHC LLC, proposes to erect a three story, 10,500 square foot, 15-unit apartment building in a D2 Multi-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances

- 1. 337.03(a), (b) Multi-unit apartment building is not permitted in a Two Family zoning district. (This variance item would not be required.)
- 2. 355.04(b) In a "B" "D" area district, maximum gross floor area of building cannot exceed one half the lot size: 2,256 5,512 maximum gross floor area is permitted, 10,500 square foot floor area is proposed.
- 3. 355.04(b) In a "B" area district, minimum lot size must equal at least a minimum of 2,400 square feet per proposed unit: 36,000 square foot minimum lot area is required, 5,512 square foot lot area is proposed. (This variance item would not be required.)
- 4. 357.04(a) A front yard set back of a distance equal to fifteen percent (15%) of the average or normal depth of the lot, or 4'9" is required: a front yard of 2'11" is proposed. (This variance item would not be required.)
- 5. 357.05(a) A side street yard of 5 feet is required, 2'7" side street yard along Apple Avenue is proposed.
- 6. 357.08(b)(1) A minimum rear yard of 20 feet is required: rear yard of 3'10" to 11'4" is provided.
- 7. 349.04(a) 15 accessory off-street parking spaces are required: no compliant parking spaces are provided. Note: A 29 space parking lot adjacent to proposed development, subject of a separate building permit application (B22023866 at 4136 Apple Avenue) also requiring a zoning variance, is pending.



Ward 3

Calendar No. 22-206:

2017 West 44th St.

AHA Development OHC LLC, proposes to erect a three story, 10,500 square foot, 15-unit apartment building in B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances

1. Section 337.03(a),(b) which states that a multi-unit apartment building is not permitted in a Two Family residential district.

2. Section 355.04(b) which states that in a "B" area district the maximum gross floor area of building cannot exceed one-half the lot size; in this case 2,256 maximum gross floor area is permitted, and 10,500 square foot floor area is proposed.

3. Section 355.04(b) which states in a "B" area district, minimum lot size must equal at least a minimum of 2,400 square feet per number of proposed units therefore a 36,000 square foot minimum lot area is required and 5,512 square foot lot area is proposed.

4. Section 357.04(a) which states a front yard setback of a distance equal to fifteen percent (15%) of the average or normal depth of the lot, or 4 feet, 9 inches and 2 feet, 11 inches are proposed.

5. Section 357.05(a) which states that a side street yard of 5 feet is required and 2 feet 7 inches side street yard along Apple Avenue is proposed.

6. Section 357.08(b)(1) which states a minimum rear yard of 20 feet is required where 3 feet, 10 inches to 11 feet 4 inches are provided.

7. Section 349.04(a) which states that 15 accessory off-street parking spaces are required and no compliant parking spaces are provided. Note: a 29-space parking lot adjacent to proposed development, subject of a separate building permit application (B22023866 at 4136 Apple Avenue) also requiring a zoning variance, is pending.



Ward 3

Calendar No. 22-206:

2017 West 44th St.

Ward 3



SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU ARE ABOUT TO GIVE IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

Please Raise Your Hand. Reply with <u>I DO,YOUR NAME and YOUR ADDRESS.</u>

Calendar No. 22-206:

2017 West 44th St.

Ward 3



HISTORY OF THE PROPERTY



Calendar No. 22-206:

2017 West 44th St.



Ward 3

LEGAL STANDARD

Madam Chair, Members of the Board, Appellant is requesting a use variance and area variances from the maximum gross floor area, minimum lot size, front yard setback, side street yard, minimum rear yard, and parking regulations of the zoning code.

To obtain the use variance, Appellant must prove that denying the request:

- 1. Will result in an **unnecessary hardship** particular to the property such that there will be no economically feasible use of the property without the variance;
- 2. Will deprive the Appellant of substantial property rights; and
- 3. That granting the variance will not be contrary to the purpose and intent of the zoning code.

To obtain the area variances, Appellant must prove that denying the request:

- 1. Will create a **practical difficulty** not generally shared by other land or buildings in the same district;
- 2. Will deprive the Appellant of substantial property rights; and
- 3. That granting the variances will not be contrary to the purpose and intent of the zoning code.

However, Ordinance No. 1238-2022, introduced to Cleveland City Council on November 21, 2022, but not yet passed or enacted would change the previously issued Notice of Non-Conformance such that Appellant would need only area variances from the maximum gross floor area, side street yard, minimum rear yard, and parking regulations of the zoning code.

To obtain the area variances, Appellant must prove that denying the request:

- 1. Will create a **practical difficulty** not generally shared by other land or buildings in the same district;
- 2. Will deprive the Appellant of substantial property rights; and
- 3. That granting the variances will not be contrary to the purpose and intent of the zoning code.







Stamp



HARBOR FLATS

2017 W44th St Cleveland, Oh 44113

Revisions



BUILDING ELEVATIONS

Calendar No. 22-201:

4136 Apple Avenue.



(1) The lot is to be used only for the parking of passenger automobiles of employees, cus-tomers or guests of the person or firm controlling and operating the lot, who shall be responsible for its maintenance;

(2) No charge is to be made for parking on the lot;

(3) The lot is not to be used for sales, repair work or servicing of any kind;

(4) Entrance to and exit from the lot are to be located so as to do the least harm to the Residence District;

(5) No advertising sign or material is to be located on the lot;

(6) All parking is to be kept back of the setback building line by barrier unless specifically authorized otherwise by the Board;

(7) The parking lot and that portion of the driveway back of the building line are to be adequately screened from the street and from adjoining property in a Residence District by a hedge, slightly fence or wall not less than four (4) feet six (6) inches high and not more than five (5) feet high located back of the setback building line. All lighting is to be arranged so that there will be no glare that is annoying to the occupants of adjoining property in a Residence District, and the surface of the parking lot is to be smoothly graded, hard surfaced and adequately drained;

(8) The building permit number under which the lot is established is to be posted;

(9) Such other and further conditions may be imposed as the Board may deem necessary in any specific case to reduce the adverse effect of the proximity of a parking lot upon the character, development and maintenance of the Residence District in which the parking lot is to be located.



Ward 3

Calendar No. 22-201:

4136 Apple Avenue.

Ward 3



SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

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Please Raise Your Hand. Reply with <u>I DO,YOUR NAME and YOUR ADDRESS.</u>

Calendar No. 22-201:

4136 Apple Avenue.



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Ward 3

HISTORY OF THE PROPERTY

Calendar No. 22-201:

4136 Apple Avenue.

Ward 3



LEGAL STANDARD

Madam Chair, Members of the Board, Appellant is requesting a use variance from the regulations of the zoning code.

To obtain the use variance, Appellant must prove that denying the request:

- 1. Will result in an **unnecessary hardship** particular to the property such that there will be no economically feasible use of the property without the variance;
- 2. Will deprive the Appellant of substantial property rights; and
- 3. That granting the variance will not be contrary to the purpose and intent of the zoning code.

Note that this variance should not be granted unless all of the requirements are met.





HARBOR FLATS PARKING

Stamp

4136 APPLE AVENUE CLEVELAND, OH 44113

Zoning Information Use District: 2F Area District: B Height District: 1 Lot Area: 8,596 SF Parking Provided: 29 Spaces



Calendar No. 22-205

4003 Franklin Blvd.

Donald A. Malone Jr. & Jennine Ann Malone, propose to erect 10' x 24' one-story frame sunroom attached to an existing detached garage and two-family residence. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.08(b)(1) which states that the Required Rear Yard is 20 feet and the appellant is proposing no rear yard.

2. Section 355.04(b) which states that the maximum gross floor area shall not exceed 50 percent of the lot or in this case 4,072 square feet. The appellant is proposing 4,317 square feet.





Ward 3

Calendar No. 22-205

4003 Franklin Blvd.

Ward 3



SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU ARE ABOUT TO GIVE IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

Please Raise Your Hand. Reply with <u>I DO,YOUR NAME and YOUR ADDRESS.</u>

Calendar No. 22-205

4003 Franklin Blvd.

Ward 3



HISTORY OF THE PROPERTY



Calendar No. 22-205

4003 Franklin Blvd.





LEGAL STANDARD

Madam Chair, Members of the Board, Appellant is requesting area variances from the required rear yard and maximum gross floor area regulations of the zoning code.

To obtain the area variances, Appellant must prove that denying the request:

- 1. Will create a **practical difficulty** not generally shared by other land or buildings in the same district;
- 2. Will deprive the Appellant of substantial property rights; and
- 3. That granting the variances will not be contrary to the purpose and intent of the zoning code.







W 44th S

2F-B1

BIND

4003 Franklin Blvd.

Franklin Bivd

NN 38th St

UGD

W 38th St

38th St

Franklin Blvd



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Calendar No. 22-207

3015 Chatham Avenue.

M & M Property Group, LLC. proposes to erect a single-family residence and attached 3 car garage in the rear of a parcel located in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

Section 355.04(b) which states that the required minimum floor area for residential building is 950 square feet and the appellant is proposing 748 square feet.
Section 357.08 (b)(1) which states that the required rear yard is 21 feet and 5 inches where the appellant is proposing 5 feet.



CLEVELAND CLEVEL

Ward 3

Calendar No. 22-207

3015 Chatham Avenue.



Ward 3

SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU ARE ABOUT TO GIVE IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

Please Raise Your Hand. Reply with <u>I DO,YOUR NAME and YOUR ADDRESS.</u>

Calendar No. 22-207

3015 Chatham Avenue.



Ward 3

HISTORY OF THE PROPERTY


Calendar No. 22-207

3015 Chatham Avenue.

Ward 3



LEGAL STANDARD

Madam Chair, Members of the Board, Appellant is requesting area variances from the minimum floor area and required rear yard regulations of the zoning code.

To obtain the area variances, Appellant must prove that denying the request:

- 1. Will create a **practical difficulty** not generally shared by other land or buildings in the same district;
- 2. Will deprive the Appellant of substantial property rights; and
- 3. That granting the variances will not be contrary to the purpose and intent of the zoning code.



Calendar No. 22-207

3015 Chatham Avenue.

West 51st Street

chatham Avenue

Image captured November 2021.



3015 Chatham Avenue

| | | NEW FRAMING IN EXISTING GARAGE |
|--|-------------------------------------|---|
| | FLOOR SYSTEM: | PLYWOOD ON WOOD JOISTS |
| в. | STRUCTURAL: | NONE |
| с. | MECHANICAL: | NEW FORCED AIR HVAC SYSTEM. |
| D. | PLUMBING: | NEW PLUMBING AND FIXTURES FOR KITCHEN 4 BATHROOMS. |
| E. | ELECTRICAL: | NEW WIRING INCLUDING LIGHTS, OUTLETS, AND SWITCHES ON NEW ELECTRICAL PANEL - NEW SERVICE FOR RESIDENTIAL USE |
| SITE | E INFORMATION: | |
| zc | ROPERTY LOCATION: NING DISTRICT: | 3015 CHATHAM AVE, CLEVELAND, OH 44113 RESIDENTIAL |
| SURROUNDING LAND USES: PARCEL SIZE: | | RESIDENTIAL APPROXIMATELY 4328 SF (ØILACRES) |
| | ONT LOT LINE: | CHATHAM AVENUE |
| BUI | LDING INFORMATION: | _ |
| | USE GROUP CLASSIFIC | ATION: R-1: SINGLE FAMILY RESIDENTIAL |

MBUSTIBLE WORK AREA: PROJECT AREA: 614 GOF GARAGE FOOTPRINT: 148 GOF

PROJECT SCOPE NOTES

| L | ALL FINISH MATERIALS TO BE SELECTED BY OWNER. PROVIDE SAMPLES OF ALL FINISH MATERIALS FOR REVIEW AND APPROVAL BY OWNER. | |
|----|---|---|
| 2. | DOOR AND WINDOW STYLES TO BE SELECTED BY OWNER. | l |
| з. | ELECTRICAL CONTRACTOR TO VERIFY EXISTING | L |
| | ELECTRICAL SERVICE AND CAPACITY OF EXISTING | L |
| | ELECTRICAL PANEL AND UPGRADE AS REQUIRED. | l |
| | | |

DESIGN LOADS AS PER RCO.

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GENERAL CONSTRUCTION NOTES

I, ALL WORK SHALL BE PERFORMED IN CONFORMANCE WITH REQUIREMENTS OF THESE DOCUMENTS AND THE REQUIREMENTS OF THE OWNER AND THE 2013 RESIDENTIAL CODE OF OHIO (2013 RCO),

2 ALL DORK SHALL BE RERKORFED IN CORPORTACE UITH MAY MCD ALL PRE AND SHETY CODES, OR CODES OF REDRAL STATE, CONTY OR NANDALL THANKA MEDICITIO AVER SHOL WORK ALL AFFLICABLE REQUERENTS IN THESE REQULATIONS SHALL BE FOLLORED THE SAFE AS F NOTED IN THESE CONTRACT DOCUMENTS, CONTLICTS BETWEEN DORK SET FORMENT IN THESE DOCUMENTS AND BUILDING CODES LAWS OR REGULATIONS HOTED BY THE CONTRACTOR SHALL BE PROXIMIT TO THE ATTENTION OF THE CLENT AND ARCHITECT FROM TO THE CONTRACTOR SHALL BE DROXANT TO THE

3. THE GENERAL CONTRACTOR 18 RESPONSIBLE FOR OBTAINING ALL PERMITS REGUIRED BY FEDERAL, STATE, COUNTY, MUNICIPAL LAW AND SHALL INCLUDE IN THE CONTRACT THE COST OF SUCH FEES. 4. THE GENERAL CONTRACTOR IS TO ARRANGE FOR ALL HOISTING FACILITIES FOR MATERIALS AND EQUIPMENT. THE CONTRACT SHALL INCLUDE ALL COSTS FOR DELIVERY AND/OR HANDLING OF MATERIALS.

5. ALL ARRANGEMENTS FOR CONSTRUCTION PERSONNEL ENTERING THE BUILDING DURING WORKING HOURS, MATERIAL, DELIVERY, DEBRIS REMOVAL, MATERIAL RETURNED TO BUILDING, IS TO BE MADE WITH THE DURER.

6. EACH CONTRACTOR AND VENDOR SHALL CHECK BUILDING OPENINGS, AND CLEARANCES FOR DELIVERY OF EQUIPMENT AND /OR MATERIALS (SIZES OF ELEVATORS, DOORS, CORRIDORS, ETC.)

THE GENERAL CONTRACTOR IS TO CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS AT JOB SITE AND NOTIFY ARCHITECT OF ANY DISCREPANCIES BETWEEN DRAWINGS AND FIELD CONDITIONS BEFORE COMPRISING WITH ANY UDKK.

8. DO NOT SCALE DRAWINGS- USE DIMENSIONS SHOWN,

9. THE GENERAL CONTRACTOR 15 TO ERECT ALL NECESSARY TEMPORARY, SOLID, AND/OR PLASTIC DROP CLOTH PARTITIONS TO PROTECT COLIPIED AREAS INCLUDING THE PROTECTION OF FLOORING MATERIALS WILLE CONSTRUCTION AND DEMOLITION ARE IN PROGRESS.

IO, THE GENERAL CONTRACTOR IS TO REMOVE ALL DEBRIS AND LEAVE ALL AREAS BROOM CLEAN AT THE END OF EACH WORK DAY, AND TO BE CAREFUL TO PROTECT AND NOT DAMAGE ANY PORTION OF EXISTING INSTALLATION NOT BEING REMOVED.

IL GENERAL CONTRACTOR 19 TO PERFORM ALL WORK FOR THE CONTRACT SUM WITHOUT ADJUSTMENT IN THE EVENT OF LABOR DISPUTES AND/OR WORK STOPPAGES.

12. INSPECTIONS: OWNER TO CONTRACT WITH A QUALIFIED TESTING LABORATORY FOR TESTING OF CONCRETE, REBAR SOIL BEARING, SOIL COMPACTION, MASONRY, GROUT, ETC. AS REQUIRED BY LOCAL CODES.

WOOD FRAMING

L WOOD STRESS GRADES:

FB= 1,000 PSI E= 1,700,000 PSI FV= 95 PSI

2, CONSTRUCTION TO CONFORM TO THE NATIONAL DESIGN GUIDELINES FOR WOOD CONSTRUCTION, WOOD TO BE DOUGLAS FIR, HEM FIR, OR SOUTHERN PINE GRADE NO. 2 OR BETTER.





CHATHAM AVENUE

1/8" = 1'-Ø"

ARCHITECTURAL SITE PLAN







C BEEGAN ARCHITECTURAL DESIGN LLC

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NORTH

AQ AO GRAPHIC SCALE (FEET)

ISSUE DATE DESCRIPTION 08.22.22 plan review and permit 10.31.22 BZA











| 5703 MADISON AVENUE | 216.521.9000 PHONE |
|---------------------|--------------------|
| AKEWOOD, OHIO 44107 | 216.916.4591 FAX |
| WW.BEEGAN-AD.COM | PAUL@BEEGAN-AD.COM |

project no. 22-048

M&M Property Group Residential Renovations

3015 chatham avenue cleveland, ohio 44113

Floor Plans, Reflected Ceiling & Electrical Layout Plans



GYP BD BORIT GYP BD BORIT GYP BD GELMG * B'-3' B'-3' GRAPHIC SCALE (FEET) GYP BD GELMG * B'-3' GRAPHIC SCALE (FEET) GYP BD GYP GYP BD GYP GYP BD GYP GYP BD GYP GYP BD





© BEEGAN ARCHITECTURAL DESIGN LLC







M&M Property Group **Residential Renovations**

3015 chatham avenue cleveland, ohio 44113

Garage Section



© BEEGAN ARCHITECTURAL DESIGN LLC

From: Julia Berkman Sieck <huleah@gmail.com> Sent: Tuesday, November 22, 2022 11:31 AM To: boardofzoningappeals@clevelandohio.gov; Donna Grigonis <DGrigonis@ohiocity.org> Subject: Case 22-207

Good morning

I'm chair of the block club that the property at 3015 Chatham is on. This was first presented to us by the developer as a single family owner-occupied home and has instead been used as an airbnb exclusively since it was sold to the current owners.

There is a notice on the treelawn about a zoning hearing for this property. Can we get more details on what this is about?

Julia Berkman Sieck

she/her/hers

Dec. 1, 2022 Board of Zoning Appeals City of Cleveland, Ohio

Re: 3015 Chatham Ave. Calendar 22-207

On March 8, 2021 the BZA approved a zoning appeal to build a 3 car garage with second floor storage at 3015 Chatham Ave.

The structure has been built.

The current appeal notice states that the applicant proposes to build a Single Family residential unit with an attached 3 car garage.

This zoning appeal may be more clearly describe as a "conversion" of an existing structure. It may also be determined to be a "modification" of an existing variance.

Section X111 of zoning rules and regulations of BZA states that a modification of existing variance requires a refiling.

The original presentation to the community was that a 3-car garage and storage area would be build and the community supported that intent. Zoning requirements are appreciably different between the current and intended use.

The current owner was the builder at the time the variance was granted. He knew or should have known precisely what was purchased.

It is now a short term rental. It is expected that an additional residence on the property would also be. The property is not occupied by the owner. There is no on-site management. This would bring a total of 6 short term rentals in a 1 square block area of this community.

I am writing to request that BZA refer the matter back to the Planning Department of the City of Cleveland and to the community in general, through its Block Club membership, so that there is a better understanding of what has transpired here.

Thank you. Bruce Hedderson, 3205 Chatham Ave. Cleveland







New Listing | Ohio City | HOT TUB | Chatham Manor

★ 5.0 · <u>18 reviews</u> · **\$** Superhost · <u>Cleveland, Ohio, United States</u>

☆ Share ♡ Save



Entire home hosted by Michael

10 guests · 3 bedrooms · 3 beds · 2.5 baths



\$437 night

★ 5.0 · <u>18 reviews</u>

Calendar No. 22-208:

2458 Tremont Ave.

Michael Clements & Benjamin Whalley, proposes to erect a 3-story frame wooden front porch to existing three family residence in a C1 Multi-Family Residential. The owner appeals for relief from the strict application of the following sections of the Cleveland codified ordinances:

1. Section 357.09(b)(2)(D) which states the required interior yard setback is 7 feet and the appellant is proposing 9 feet and 1 inch. The total width of required side yards is 10 feet and the appellant is proposing 9'-1".

2. Section 357.13(b)(4) which states that open front yard porches shall not project more than 8 feet; proposing 10'-5".





Ward 3

Calendar No. 22-208:

2458 Tremont Ave.



Ward 3

SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU ARE ABOUT TO GIVE IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

Please Raise Your Hand. Reply with <u>I DO,YOUR NAME and YOUR ADDRESS.</u>

Calendar No. 22-208:

2458 Tremont Ave.

Ward 3



HISTORY OF THE PROPERTY



Calendar No. 22-208:

2458 Tremont Ave.





Madam Chair, Members of the Board, Appellant is requesting area variances from the interior yard setback and open front yard porch regulations of the zoning code.

To obtain the area variances, Appellant must prove that denying the request:

- 1. Will create a **practical difficulty** not generally shared by other land or buildings in the same district;
- 2. Will deprive the Appellant of substantial property rights; and
- 3. That granting the variances will not be contrary to the purpose and intent of the zoning code









<---TREMONT AVE--->

SITE PLAN

SCALE: 3/32'' = 1'-0''





Calendar No. 22-210:

3733 East 65 Street.

Ran Romano, owner, proposes to correct condemnation and establish seven (7) residential units, two (2) commercial retail units and one (1) coffee shop in a B1 Local Retail Business District. The owner appeals for relief from the strict application of Section 349.04 which states that twenty-four (24) parking spaces are required (7 spaces for residential, 13 spaces for coffee shop and 4 spaces for retail use) and zero (0) parking spaces are proposed.



Ward 12 shop in a B1 Local

Calendar No. 22-210:

3733 East 65 Street.





SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU ARE ABOUT TO GIVE IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

Please Raise Your Hand. Reply with I DO, YOUR NAME and YOUR ADDRESS.

Calendar No. 22-210:

3733 East 65 Street.



Ward 12

HISTORY OF THE PROPERTY



Calendar No. 22-210:

3733 East 65 Street.



Ward 12

LEGAL STANDARD

Madam Chair, Members of the Board, Appellant is requesting an area variance from the parking regulations of the zoning code.

To obtain the area variance, Appellant must prove that denying the request:

- 1. Will create a **practical difficulty** not generally shared by other land or buildings in the same district;
- 2. Will deprive the Appellant of substantial property rights; and
- 3. That granting the variance will not be contrary to the purpose and intent of the zoning code.













Sheet 2 of 10





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MANATON NOTES





Calendar No. 22-188:

2915 Detroit Avenue.

2915 Detroit Avenue LLC, proposes to change of use from factory to office, café, yoga studio and bicycle spin studio in a D3 Local Retail Business District and a Pedestrian Retail Overlay District. The owner appeals for relief from the section 349.04(c) of the Cleveland Codified Ordinances, which states that 44 parking spaces are required and none are proposed.





Ward 3

Calendar No. 22-188:

2915 Detroit Avenue.



Ward 3

SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU ARE ABOUT TO GIVE IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

Please Raise Your Hand. Reply with <u>I DO,YOUR NAME and YOUR ADDRESS.</u>
2915 Detroit Avenue.





HISTORY OF THE PROPERTY



2915 Detroit Avenue.



Ward 3

LEGAL STANDARD

Madam Chair, Members of the Board, Appellant is requesting an area variance from the parking regulations of the zoning code.

To obtain the area variance, Appellant must prove that denying the request:

- 1. Will create a **practical difficulty** not generally shared by other land or buildings in the same district;
- 2. Will deprive the Appellant of substantial property rights; and
- 3. That granting the variance will not be contrary to the purpose and intent of the zoning code.

2915 Detroit Avenue.

Ward 3









2915 Detroit Avenue. Church Ave

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Ward 3

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Detroit Avenue (US 6







Public Hearing

Calendar No. 22-172

2915 Detroit Avenue.

AK Detroit My Place LLC, proposes alterations and to establish use as bar/restaurant in a D3 Local Retail Business District and a Pedestrian Retail Overlay District. The owner appeals for relief from the following section of the Cleveland Codified Ordinances:

1. Section 349.04(f) which states that accessory off street parking is required at the rate of 1 for each employee, plus 1 for each 100 square feet of floor area devoted to patron use or 1 for each 4 seats based on maximum seating capacity, whichever is greater in this case 12 parking spaces are required. Per section 343.23(i) those properties located in the Pedestrian Retail Overlay District required parking will be reduced by 1/3 therefore 8 accessory off street parking spaces required: none are provided.





Ward 3

Public Hearing

Calendar No. 22-172

2915 Detroit Avenue.

Ward 3



SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

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Please Raise Your Hand. Reply with <u>I DO,YOUR NAME and YOUR ADDRESS.</u>

Calendar No. 22-172

2915 Detroit Avenue.

Ward 3



HISTORY OF THE PROPERTY



Public Hearing

Calendar No. 22-172

2915 Detroit Avenue.

Ward 3



LEGAL STANDARD

Madam Chair, Members of the Board, Appellant is requesting an area variance from the parking regulations of the zoning code.

To obtain the area variance, Appellant must prove that denying the request:

- 1. Will create a **practical difficulty** not generally shared by other land or buildings in the same district;
- 2. Will deprive the Appellant of substantial property rights; and
- 3. That granting the variance will not be contrary to the purpose and intent of the zoning code.

Calendar No. 22-172

2915 Detroit Avenue.

Ward 3









Calendar No. 22-172

2915 Detroit Avenue. Church Ave

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P.

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Ward 3

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Detroit Avenue (US 6





HISTORIC VITROLITE BUILDING

HARNESS COLLECTIVE J. KURTZ ARCHITECTS BOARD OF ZONING APPEALS



DETROIT AVENUE



PROJECT CODE DATA

PROJECT SUMMARY

EXISTING BUILDING IS USE GROUP F-1 WITH ACCESSORY BUSINESS OCCUPANCY. CONVERSION TO USE GROUP BUSINESS. WORK CONSISTS OF INTERIOR AND EXTERIOR ALTERATIONS AND FIT-OUT TO AN EXISTING STRUCTURE.

EXISTING OCCUPANCY: F+ B PROPOSED: B YEAR OF CONSTRUCTION: 1926. LATEST RENOVATION: 2002 NUMER OF STORIES: 2 HEIGHT: 28' FIRE SUPPRESSION: YES

CHAPTER 3 USE AND OCCUPANCY

PRIMARY:

SECTION 304 BUSINESS GROUP B

304.1 BUSINESS GROUP B OCCUPANCY INCLUDES, AMONG OTHERS, THE USE OF A BUILDING OR STRUCTURE, OR PORTION THEROF, FOR OFFICE PROFESSIONAL OF SERVICE-TYPE TRANSACTIONS, INCLUDING STORAGE OF RECORDS AND ACCOUNTS. BUSINESS OCCUPANCES SHALL INCLUDE, BUT NOT LIMITED TO THE FOLLOWING: PROFFESIONAL SERVICES (ARCHITECTS, ATTORNEYS, DENTISTS, PHYSICIANS, ENGINEERS, ETC.)

303.1.1 SMALL TENANT SPACES

A TENANT SPACE USED FOR ASSEMBLY PURPOSES WITH AN OCCUPANT LOAD OF LESS THAN 50 PERSONS SHALL BE CLASSIFIED AS GROUP B OCCUPANCY.

ACCESSORY:

SECTION 303 ASSEMBLY (A-3)

MOST CLOSELY LINKED TO LÉCTURE HALL, ART GALLERY, COMMUNITY HALL TYPE USE.

CHAPTER 5 BUILDING HEIGHT AND AREA

CONSTRUCTION TYPE: II-B (FULL AUTOMATIC SUPRESSION SYSTEM) ALLOWABLE NUMBER OF STORIES: 3 MAX ALLOWABLE HEIGHT: 75' MAX ALLOWABLE SF PER FLOOR: 28,500 GSF

AREA CALCULATIONS: BASEMENT: 6,800 GSF

LEVEL 1: 6,500 GSF <u>LEVEL 2: 6,500 GSF</u> **TOTAL: 13,000 GSF** (EXCLUDING BASEMENT)

CHAPTER 6 CONSTRUCTION TYPE: II-B (NON-RATED, NONCOMBUSTIBLE): EXISTING STRUCTURE IS STEEL COLUMN AND CONCRETE SLAB NO CHANGE TO BEARING WALLS, EXTERIOR WALLS, FLOOR CONSTRUCTION, OR ROOF CONSTRUCTION.

CHAPTER 10 MEANS OF EGRESS 1004.1.2 CCUPANT LOAD FACTORS

ACCESSORY STORAGE: 300 GROSS ASSEMBLY, UNCONCENTRATED: 15 NET EXERCISE ROOM AREA: 50 GROSS BUSINESS AREA: 100 GROSS KITCHEN: 200 GROSS LOCKER ROOM: 50 GROSS

1006.2.1 COMMON PATH OF EGRESS TRAVEL: 'B' OCCUPANCY: 100' 'A-3' OCCUPANCY: 75'

1006.3.2 STORIES WITH ONE EXIT OR ACCESS TO ONE EXIT 'A-3' AND 'B' OCCUPANCY: 49 MAX OCCUPANCY 75' COMMON PATH OF EGRESS TRAVEL

1017.2 MAX EXIT TRAVEL DISTANCE IN SPRINKLERED: 'B' OCCUPANCY: 300' 'A-3' OCCUPANCY: 250' 1020.4 MAX DEAD END CORRIDOR IS 20'.

CHAPTER 29 PLUMBING FIXTURE REQUIREMENTS

BASEMENT LEVEL OCCUPANTS: EXISTING TO REMAIN

FIRST LEVEL OCCUPANTS: 130 1 EWC REQUIRED, 1 PROVIDED 1 SERVICE SINK REQUIRED, 1 PROVIDED

SECOND LEVEL OCCUPANTS: 192 1 EWC REQUIRED, 1 PROVIDED 1 SERVICE SINK REQUIRED, 1 PROVIDED

| FIXTURE COUNT | WC(REQUIRED) | LAV (REQUIRED) |
|---------------|--------------|----------------|
|---------------|--------------|----------------|

| BASEMENT | SCOPE IN FUTURE WORK | |
|----------|----------------------|-------|
| LEVEL 1 | 5 (2) | 4 (2) |
| LEVEL 2 | 3 (3) | 3 (2) |

RESTROOMS ON LEVEL 1 AND 2 ARE ACCESSIBLE.

CODE STUDY





LEVEL 2 | 1/16" = 1'-0"

CODE STUDY



PROPOSED NORTH ELEVATION -ALTERNATE

PROPOSED NORTH ELEVATION -BASE BID

J. KURTZ ARCHITECTS

ELEVATIONS

J. KURTZ ARCHITECTS

ELEVATIONS

PROPOSED EAST ELEVATION

PROPOSED SOUTH ELEVATION











LEVEL 0 FLOOR PLAN 1/16" = 1' - 0"

PLANS

J. KURTZ ARCHITECTS







LEVEL 1 FLOOR PLAN 1/16" = 1' - 0"

PLANS







J. KURTZ ARCHITECTS

PLANS



CHURCH AVENUE ELEVATION

Support Statements: 16

From: Kerry McCormack <kmccormack@clevelandcitycouncil.org Sent: Friday, October 14, 2022 12:28 PM To: Kukla, Elizabeth <Ekukla@clevelandohio.gov; Huang, Joyce Pan <JHuang@clevelandohio.gov; Tom McNair <tmcnair@ohiocity.org Subject: 2915 Detroit Ave; Calendar No. 22-172

Ms. Kukla,

Please accept this email as my <u>UNEQUIVOCAL SUPPORT</u> for the variances requested st 2915 Detroit Ave; Calendar No. 22-172.

There is no case more clear that this one that a hardship will be suffered without granting these variances. Short of demolishing historic buildings for surface parking lots, this building will sit vacant and a community blight if these variances aren't granted. This is a historic corridor and there is no built in suburban style Parking here, which is exactly what makes it the walkable and charming district that it is.

Please present this email to the board.

Thank you, Kerry P. McCormack Council Member, Ward 3 Majority Leader Cleveland City Council From: Fred Bidwell <Fred.Bidwell@transformerstation.org> Sent: Monday, October 24, 2022 8:23:30 PM (UTC+00:00) Monrovia, Reykjavik To: Board of Zoning Appeals <BoardofZoningAppeals@clevelandohio.gov> Subject: Calendar no. 22-188 and 22-172

Dear Board of Zoning Appeals,

I am writing in support of the requested parking variance for these two projects for 2915 Detroit Avenue. As the owner of Transformer Station, which is the property immediately to the South on the opposite side of Church Avenue, and the owner of 2900 Detroit, immediately to the North, on the opposite side of Detroit, I fully support the development of this project without the parking requirement. There are two pay lots within one block of this property and ample street parking in the surrounding area. In the interest of encouraging modes of transportation other than the automobile and complementing what is already developing as a truly walkable neighborhood, additional parking is not needed and would create an unnecessary burden on the small business enterprises planned for this property.

With best regards,

Fred Bidwell

From: Bob Biggar <bobbiggar@hannacre.com> Sent: Thursday, October 20, 2022 1:38 PM To: Kukla, Elizabeth <Ekukla@clevelandohio.gov> Cc: McCormack, Kerry <kmccormack@clevelandcitycouncil.org> Subject: Support for BZA Calendar No. 22-188; 2915 Detroit Avenue.

Secretary Kukla,

I am writing today in support of the variance for 2915 Detroit Ave. I live down the street on Clinton Ave. and often spend time in the project area. I'm delighted to see this building put into use, especially providing such nice amenities for the neighborhood. Providing parking would require demolishing this historic building. The parking lots across the street and at Church & State are rarely full so I don't think there is excessive demand for more parking.

Thanks,

Bob Biggar Hanna Commercial Vitrolite Parking Variance Laurel <laurel.pilch@gmail.com> Fri 11/4/2022 1:22 PM To:Kukla, Elizabeth <Ekukla@clevelandohio.gov> Cc:Ruelens, Maurice <MRuelens@clevelandohio.gov>

Dear Secretary Kukla,

As a member of the Ohio City community, who has been a homeowner here for 8 years - I am writing in support of the parking variance of the Vitrolite building at 2915 Detroit Ave. It's my understanding that a portion of Franklin-Clinton block club have requested to deny this variance because of limited parking around their homes.

I also live in close proximity (two blocks away) and am in support of the city providing solutions (parking permits, meters, and resident-only designated areas) to the group of residents but not at the expense of this historic redevelopment project.

This existing historic building is becoming a community hub that will serve those that can walk or bike to the location. Additionally, there is existing parking in two paid lots on Church Ave.

I believe the Harness Collective team has created innovative programs and uses primarily designed for neighbors who can utilize walking, biking, and public transportation. Their mission is to help our community flourish and am asking for your support of the variance. Thank you for your consideration. Sincerely - Laurel Pilch

Vitrolite building at 2915 Detroit Ave. Jenika Gonzales <jenikagonzales@gmail.com> Fri 11/4/2022 1:16 PM To:Kukla, Elizabeth <Ekukla@clevelandohio.gov>;Ruelens, Maurice <MRuelens@clevelandohio.gov>

Dear Secretary Kukla,

As a member of the Ohio City community, I am writing to support the parking variance of the Vitrolite building at 2915 Detroit Ave. I understand that a portion of the Franklin-Clinton block club has requested to deny this variance because of limited parking around their homes. I support the city providing solutions (parking permits, meters, and resident-only designated areas) to the group of residents but not at the expense of this historic redevelopment project. This historic building is becoming a community hub that will serve those who can walk or bike to the location. Additionally, there is existing parking in two paid lots on Church Ave. I believe the Harness Collective team has created programs and uses primarily designed for neighbors who can utilize walking, biking, and public transportation. Thank you for your consideration.

Sincerely, Jenika May Gonzales P.S I personally think it is dumb to constantly put cars over humans and to make it always about parking over the work people do to provide a healthy, thriving, and intentional community. Support for variance at 2915 Detroit Avenue Antonia Marinucci <antonia@thearchitetta.com> Fri 11/4/2022 1:18 PM To:Kukla, Elizabeth <Ekukla@clevelandohio.gov>;Ruelens, Maurice <MRuelens@clevelandohio.gov>

Dear Secretary Kukla,

I am writing in support of the parking variance of the Vitrolite building at 2915 Detroit Ave.

It's my understanding that a portion of Franklin-Clinton block-club have requested to deny this variance because of limited parking around their homes. I'm very much in support of the City providing solutions (parking permits, meters, and resident-only designated areas) to support our residents. However, the onus to provide these solutions should not lie in the hands of small, local businesses and not at the expense of this historic redevelopment project. We have a treasure of dense, historic building stock that is critical maintain and activate.

This existing historic building is becoming a community hub that will serve those that can walk or bike to the location. Additionally, there is existing parking in two paid lots on Church Ave. I believe the Harness Collective team has created programs and uses primarily designed for neighbors who can utilize walking, biking, and public transportation.

Thank you for your consideration. Sincerely, Antonia Marinucci Ohio City resident and business-owner Franklin-Clinton and Randall/Whitman/Woodbine/John Block Club member Ohio City Design Review member Ohio City Inc. Board of Trustees Vitrolite Parking Variance Allie Carr <acarr@bhhspro.com> Fri 11/4/2022 2:17 PM To:Kukla, Elizabeth <Ekukla@clevelandohio.gov> Cc:Ruelens, Maurice <MRuelens@clevelandohio.gov>

Dear Secretary Kukla,

As a member of the Ohio City community and the Franklin-Clinton block club, I am writing in support of the parking variance of the Vitrolite building at 2915 Detroit Ave. It's my understanding that a portion of Franklin-Clinton block club have requested to deny this variance because of limited parking around their homes. I was actually one of the people at the meeting who initially was opposed to it! But I have done some further research since that time and learned more about the proposed development and the parking implications that come with it.

I am very much in support of the city providing solutions (parking permits, meters, and resident-only designated areas) to the group of residents but not at the expense of this historic redevelopment project. This existing historic building is becoming a community hub that will serve those that can walk or bike to the location. Additionally, there is existing parking in two paid lots on Church Ave. Should the block club really be a sticking point right now, some offered validated parking by Harness might make some sense but I don't think that's the right long term solution. Thank you for your consideration.

Sincerely,

Allie Carr

2910 Franklin Blvd, Cleveland, OH 44113

Vitrolite Parking Variance amberleepompeii@gmail.com <amberleepompeii@gmail.com> Fri 11/4/2022 7:05 PM To:Kukla, Elizabeth <Ekukla@clevelandohio.gov> Cc:Ruelens, Maurice <MRuelens@clevelandohio.gov>Secretary Kukla,

As a member of the Ohio City community, I am writing in support of the parking variance of the Vitrolite building at 2915 Detroit Ave. It's my understanding that a portion of Franklin-Clinton block club have requested to deny this variance because of limited parking around their homes. I am in support of the city providing solutions (parking permits, meters, and resident-only designated areas) to the group of residents but not at the expense of this historic redevelopment project. This existing historic building is becoming a community hub that will serve those that can walk or bike to the location. Additionally, there is existing parking in two paid lots on Church Ave. I believe the Harness Collective team has created programs and uses primarily designed for neighbors who can utilize walking, biking, and public transportation. Thank you for your consideration.

Sincerely,

Amber Pompeii

Cleveland Tea Revival

Vitrolite Parking Variance Caroline Dillabaugh <cdillabaugh12@gmail.com> Fri 11/4/2022 7:27 PM To:Kukla, Elizabeth <Ekukla@clevelandohio.gov> Cc:Ruelens, Maurice <MRuelens@clevelandohio.gov>

Dear Secretary Kukla,

As a member of the Ohio City community, I am writing in support of the parking variance of the Vitrolite building at 2915 Detroit Ave. It's my understanding that a portion of Franklin-Clinton block club have requested to deny this variance because of limited parking around their homes. I am in support of the city providing solutions (parking permits, meters, and resident-only designated areas) to the group of residents but not at the expense of this historic redevelopment project. This existing historic building is becoming a community hub that will serve those that can walk or bike to the location. Additionally, there is existing parking in two paid lots on Church Ave. I believe the Harness Collective team has created programs and uses primarily designed for neighbors who can utilize walking, biking, and public transportation. Thank you for your consideration.

Sincerely,

Caroline Dillabaugh

Vitrolite Parking Variance Michael Murphy <michael@gravitasventures.com> Mon 11/7/2022 9:30 AM To:Kukla, Elizabeth <Ekukla@clevelandohio.gov> Cc:Ruelens, Maurice <MRuelens@clevelandohio.gov>

Dear Secretary Kukla,

As a member of the Ohio City community, (I'm a business owner in Ohio City and the owner of the second floor of the Van Rooy building at 2900 Detroit) I am writing in support of the parking variance of the Vitrolite building at 2915 Detroit Ave. It's my understanding that a portion of Franklin-Clinton block club have requested to deny this variance because of limited parking around their homes. I am in support of the city providing solutions (parking permits, meters, and resident-only designated areas) to the group of residents but not at the expense of this historic redevelopment project. This existing historic building is becoming a community hub that will serve those that can walk or bike to the location. Additionally, there is existing parking in two paid lots on Church Ave. I believe the Harness Collective team has created programs and uses primarily designed for neighbors who can utilize walking, biking, and public transportation. Thank you for your consideration.

Sincerely,

Michael Murphy

Vitrolite Parking Variance Kate Taseff <ktaseff@gmail.com> Mon 11/7/2022 1:43 PM To:Kukla, Elizabeth <Ekukla@clevelandohio.gov> Cc:Ruelens, Maurice <MRuelens@clevelandohio.gov>

Dear Secretary Kukla,

As a member of the Ohio City community, I am writing in support of the parking variance of the Vitrolite building at 2915 Detroit Ave. It's my understanding that a portion of the Franklin-Clinton block club have requested to deny this variance because of limited parking around their homes. I am in support of the city providing solutions (parking permits, meters, and residentonly designated areas) to the group of residents but not at the expense of this historic redevelopment project. This existing historic building is becoming a community hub that will serve those that can walk or bike to the location. Additionally, there is existing parking in two paid lots on Church Ave. I believe the Harness Collective team has created programs and uses primarily designed for neighbors who can utilize walking, biking, and public transportation. Additionally, Harness Collective has supported the community, neighborhood events, and neighbors since 2014.

Thank you for your consideration. Sincerely, Kate Taseff

Vitrolite Parking Variance Erika McLaughlin <eamclaughlin9@gmail.com> Mon 11/7/2022 3:30 PM To:Kukla, Elizabeth <Ekukla@clevelandohio.gov> Cc:Ruelens, Maurice <MRuelens@clevelandohio.gov>

Dear Secretary Kukla,

For over a decade, Anne Hartnett and her team has brought healthy programming, economic development, and energy back to a section of Ohio City which was once desolate. Anne's innovative and entrepreneurial spirit goes beyond just a strong business acumen. She goes about her work with the community in mind, and has been a patient and thoughtful leader, resident, and business owner. That being said, I am writing in support of the parking variance of the Vitrolite building at 2915 Detroit Ave.

While I empathize with members of the Franklin-Clinton block club and their concerns around parking around their homes, I believe the city providing solutions (parking permits, meters, and resident-only designated areas) to the group of residents should be the focus, not at the expense of this project. This existing historic building is becoming a community hub that will serve those that can walk or bike to the location. Additionally, there is existing parking in two paid lots on Church Ave.

Thank you for your consideration, Erika McLaughlin 1793 West 48th Street Vitrolite Parking Variance Thomas Gill <gillts@gmail.com> Tue 11/8/2022 8:42 AM To:Kukla, Elizabeth <Ekukla@clevelandohio.gov>;Ruelens, Maurice <MRuelens@clevelandohio.gov> CAUTION: This email originated from outside of the City of Cleveland. Do not click on links or open attachments unless you recognize the sender and know that the content is safe. If you believe that this email is suspicious, please forward to phishing@clevelandohio.gov.

Dear Secretary Kukla,

As a member of the Ohio City community, I am writing in support of the parking variance of the Vitrolite building at 2915 Detroit Ave. It's my understanding a portion of the nearby residents have requested to deny this variance because of limited parking around their homes.

We have learned the hard way that Cleveland cannot be a great city if our decisions prioritize cars over other neighborhood additions including those of small businesses and amenities for residents. I am in support of the city providing solutions (parking permits, meters, and resident-only designated areas) to the group of residents but not at the expense of this historic redevelopment project.

Vitrolite is becoming a community hub that will serve those that can walk or bike to the location. Additionally, there is existing parking in two paid lots on Church Ave. I believe the Harness Collective team has created programs and uses primarily designed for neighbors who can utilize walking, biking, and public transportation.

Please consider this variance. Sincerely, Tom Gill From: richard barga <richardbarga@yahoo.com> Sent: Wednesday, November 30, 2022 3:40:47 PM (UTC+00:00) Monrovia, Reykjavik To: Kukla, Elizabeth <Ekukla@clevelandohio.gov>; Huang, Joyce Pan <JHuang@clevelandohio.gov>; Board of Zoning Appeals <BoardofZoningAppeals@clevelandohio.gov> Cc: Fields, Marka <MFields@clevelandohio.gov>; KBRITT@MPO.NOACA.ORG <kbritt@mpo.noaca.org> Subject:BZA - Parking variance of the Vitrolite building at 2915 Detroit Ave

CAUTION: This email originated from outside of the City of Cleveland. Do not click on links or open attachments unless you recognize the sender and

Dear Board of Zoning Appeals, Councilmember McCormack and Director Huang,

I am writing in support of the parking variance of the Vitrolite building at 2915 Detroit Ave which will be heard on Monday, Dec 5th's BZA hearing. As a City of Cleveland resident who lives on Clinton Ave, and a household who patrons Harness Cycle, I can only express my excitement and support for this female small business owner, entrepreneur and resident of Ohio City. Harness Cycle is an incredible business and all efforts should be concerted to try to support her growth, not hinder her business expansion. Started around 2014 and now employing over ten staff, this is an incredible small business success story that should be trumpeted. Her expansion into her own building, and the creation of this permanent space on Detroit Ave throughout the COVID pandemic is nothing short of extraordinary.

As it relates to the request for a variance for the reduction of parking minimums, the issue at hand is one of values and priorities. Do we support creating walkable communities and supporting small businesses? Residents of Ohio City live in an urban center, a neighborhood within a major metropolitan city. And while perceived parking stress has been a critical issue in our neighborhood, the values of creating a sustainable and socially connected City must not be abandoned.

The removal of parking requirements will help encourage walkable environments which result in beneficial social, economic, and environmental activities. Over the last decade, I have been pleased to see the City of Cleveland encourage new processes to incorporate design elements in roadway projects that expand opportunities for travel via modes like walking, biking, and transit and reduce automobiles environmental impact within the City of Cleveland. Other examples that I see the City working to support transportation sustainability, and entrepreneurship include the formation of the Transportation Infrastructure Advisory Committee (TIAC), and the Forward Cities learning collaborative. The City has also long prioritized supporting small business entrepreneurs, and even more so female and minority businesses to grow their businesses. Id remind everyone on this board that from identification, certification, financing, Harness Cycle had has the support of the Councilman, the entire City Council and Mayor Bibb and his administration in Economic Development. These visions and priorities have been agreed upon to support this project at the highest levels of our community.

As a resident of the neighborhood, I have walked the property, I have read the notes from the block club. There is no way for the business owner to accommodate the demands of the code without demolishing her own building. When the building was built in 1900, no one would have anticipated that a need to provide parking for 44 cars would be required. The building stretches from lot line to lot line. If the option is to demolish a portion of the historic building or create some additional parking spaces, then we should obviously abandon parking requirements in favor of preservation. It should noted that it is highly inequitable to ask one small business owner to address the changing nature of the neighborhood.

Some business owners have had a very contentious relationship with this block club. Certain business owners have fought with or ignored requests from the neighbors to work with the neighborhood despite concerns. Bur beyond addressing these concerns from this block club, this owner has indicated numerous ways to address concerns heard from this group of residents. She plans to install bike racks on Detroit and Church Avenues, RTA passes will be sold on site, and the owner is pursuing funding to have a bus shelter installed on Detroit Avenue. Arrangements have been made with five area parking lots to provide off-street parking for customers. The owner will post signage inside the building requesting customers refrain from parking on Church Avenue in front of the homes between W. 32nd and W. 29th Streets. As noted from their own closed door discussion with the owner, most customer parking will allow for quick turnover of parking spaces as yoga and cycling classes are typically 45 minutes long. There is also a public garage one block away that is almost never full. There are plenty of alternatives planned or in place to support this parking variance request.

I firmly support this variance request. I hope that leaders of this board will continue to seek the larger vision and priorities for the City and the neighborhood.

Sincerely, Richard Barga 3808 Clinton Ave ,Ohio City resident and Franklin-Clinton Block Club member

Support for variance at 2915 Detroit Ave. Rob Oriti <rob@himandhisdesign.com> Wed 11/30/2022 11:35 AM

Dear Secretary Kukla,

I am writing in support of the parking variance of the Vitrolite building at 2915 Detroit Ave.

It's my understanding that a portion of Franklin-Clinton block-club have requested to deny this variance because of limited parking around their homes. I'm very much in support of the City providing solutions (parking permits, meters, and resident-only designated areas) to support our residents. However, the onus to provide these solutions should not lie in the hands of small, local businesses and not at the expense of this historic redevelopment project. We have a treasure of dense, historic building stock that is critical to maintain and activate.

This existing historic building is becoming a community hub that will serve those that can walk or bike to the location. Additionally, there is existing parking in two paid lots on Church Ave. I believe the Harness Collective team has created programs and uses primarily designed for neighbors who can utilize walking, biking, and public transportation.

Thank you for your consideration. Sincerely, Rob Oriti

Ohio City resident and business-owner Franklin-Clinton and Randall/Whitman/Woodbine/John Block Club member Support for Harness Cycle Parking Variance - 2915 Detroit Avenue Dan Whalen <dan@harbor-bay.com> Wed 11/30/2022 12:14 PM

Dear Secretary Kukla,

As a resident of this immediate area (3118 Vine Ct), an owner of multiple Ohio City businesses who has had to appear in front of this very board, as being an active member of the Franklin-Clinton Block Club, Lam writing in support of the parking variance of the Vitrolite building at 2915 Detroit Ave. This building is just a block away from my home, and Lwalk my dog in the area every single day.

An outspoken, yet fractional portion of my fellow Franklin-Clinton block-club members have requested to deny this variance because of limited parking around their homes. I can tell you first hand that a lack of street parking along Clinton Avenue, Church Ave 29th and 32nd streets is rarely, if ever problematic. A quick study of the immediate area will also reveal that a resounding proportion of the single and multi-family properties all have on-site garage parking for themselves, and many of the closest homes on Church Ave even have private driveways!

If you were to ask this same group of outspoken people why they love living in this particular portion of Ohio City, they'd probably say highlight things like the architecture and the quaint tree-lined streets, but they'd likely also talk about the fact that they can grab coffee and a donut, buy flowers and houseplants, drop into award winning restaurants and delis, and be exposed to great arts cultural events all within a block or two of their homes. In fact, if you were to hang out in this area for even a few days, you'd see many of these same people frequenting the very businesses and places that they at one point tried to roadblock from happening. It's quite ironic, hypocritical, and even humorous, unless you're the person whose time, energy and life savings have been poured into making your small business dreams a reality.

I'm very much in support of the City providing solutions (parking permits, meters, and restricted hours for parking areas) to support our residents, however the biggest support to residents is to empower small, local business owners to take risks and fill vacant spaces in the immediate walkable area where people live without needless parking encumbrances from folks who perceive a problem that isn't real. Let's also not forget: this particular business ALREADY EXISTED ON THIS EXACT SAME BLOCK WITH NO DEDICATED PARKING until the effects of Covid destroyed the owner's ability to run her thriving business. She has chosen to re-invest in a business that supports health and wellness, in an otherwise vacant space. I would ask you in your leadership position to consider that point strongly when thinking about the role of the BZA in these types of decisions.

Lastly, I will point out that I work very heavily and frequently with City Planning in my role as a real estate developer, and I know for a fact that a city-wide reduction and elimination of parking minimums is coming sooner than later. It is inevitable, and it is already in the works. Why then would we stifle an entrepreneur who wants to invest in a vacant storefront (one of many in a slew of decrepit underutilized industrial buildings that stretch from 29th street to as far west as 58th street) just because of a slight misalignment in timing? For a few parking spaces? If we do everything at the pace that the rigid, old school playbook allows, Cleveland will find itself further and further behind its peers when it comes to supporting bustling, thriving, walkable, sustainable neighborhoods built for people and not cars... Don't just take it from me:

Thank you for your consideration.

Dan Whalen

Vice President Design & Development | President, Hospitality 2021 W 25th Street, Cleveland, OH 44113



Opposition Statements: 5

From: Judy Corrigan <corriganja@prodigy.net> Sent: Sunday, October 9, 2022 10:44 AM To: Kukla, Elizabeth <Ekukla@clevelandohio.gov> Cc: McCormack, Kerry <kmccormack@clevelandcitycouncil.org> Subject: BZA for 2915 Detroit Ave

Ms Kukla

As a home owner of 3008 Clinton Ave Cleveland OH I am writing to oppose any valance for parking 2915 Detroit Ave Cleveland OH The parking in this neighborhood is already stretched to its limits- we have people parking and blocking our driveway and our neighbors driveways and we have had to call the police out to have them removed. Adding another establishment with limited parking will only add to the congestion. Please consider the residents of the neighborhood as you make your decision.

Sincerely Judith Corrigan From: BILL MERRIMAN <billmerriman@sbcglobal.net> TSubject: BOZA 22-172 2915 Detroit Avenue

October 14, 2022 3011 Church Avenue Cleveland Ohio, 44113 Members of the Cleveland Board of Zoning Appeals:

Please accept this letter as testimony concerning the request before you (22-172) concerning a variance from the Cleveland Zoning Codes for 2915 Detroit Avenue.

On this past September 20th, our local development corporation, Ohio City Inc, hosted its monthly community meeting at Urban Community School. A major agenda item was a presentation entitled "Vitriolite Building Redevelopment". The Ohio City Inc agenda offered that the (2915 Detroit) "building will be home to an all day cafe, fitness offerings, childcare and a public work and meeting space. The Harness Collective development team would like to engage community members for insight on how they could best design the childcare and workspace hours to meet the needs of neighbors."

This OCI gathering in the Urban Community School meeting room had been preceded by a March 3, 2022 article in Cleveland Magazine, that described the Harness Collective Project, located at 2915 Detroit, as a "wellness marketplace" utilizing the 18,000 square foot building as housing yoga, a fitness studio, a food and beverage cafe, child care, and a business incubator.

Clearly, the neighborhood was excited for the investors, and for their marketplace, which would evolve through their promised community engagement(!).

In a letter dated September 20, 2022, the Board of Zoning Appeals shared some plans for 2915 Detroit which had not been shared in the Cleveland Magazine article, plans which were not shared at the Ohio City public meeting to roll out the redevelopment of the 18,000 square foot Vitriolite Building, and plans which were not shared at the scheduled September 22 local Block Club meeting. Attending this monthly Block Club meeting would have been timely, because the plans included a yet-to-be-defined "Bar/Restaurant" (presumably a new liquor license) a process that should have prior community notice and support.

The Board of Zoning Appeals has gathered us, today, to consider whether to allow a "Bar/Restaurant" establishment with a liquor license to open in a 18,000 square foot building that extends from Detroit Avenue through to Church Avenue, with a complete "relief from the strict application of Section 349.04(i)" which would call for 12 parking spaces, and Section 343.23(i) would reduce that number to a mere 8 spaces.

Where will these 8 or 12 or 24 or 48 cars go!? On weekends, and on some weekday evenings, the parking along the streets surrounding 2915 Detroit is gridlock, bumper to bumper. My driveway gets blocked, and the fire hydrant in front of my house is blocked. Crosswalks are blocked, and "Do Not Park on Curbs and Tree Lawns" signs are ignored. Patrons of the Transformer Station art museum occasionally drive up and down Church and Clinton Avenues, looking for parking, because the Transformer Station lot has become filled.

Local retail shops and restaurants have been allowed to develop, recently, without any off- street parking. The resulting traffic, at times, is choking access for residents and visitors, alike, and degrading the residential quality of life of our community, as we have been transitioned into becoming an upcoming entertainment district.

Therefore, I am respectfully asking the Board of Zoning Appeals deny this request for relief from the application of Code Section 343.23(i) to the owners of 2915 Detroit until this parking crisis has been resolved.

Sincerely, William C. Merriman From: Joshua Abreu <joshuabreu@yahoo.com> Sent: Friday, October 28, 2022 10:46:41 AM (UTC+00:00) Monrovia, Reykjavik To: Board of Zoning Appeals <BoardofZoningAppeals@clevelandohio.gov> Subject: Subject: Board of Zoning Appeals request

Good morning to whom it may concern,

Concerning the request to waive zoning requirements for any off-street parking for the Vitriolite Building (2915 Detroit/Church).

Concerns as to having as many as six businesses introduced at this address, without any off-street parking requirement. Clearly the traffic and parking situation has gotten out of hand.

The councilman and the neighborhood need to work with the residential and business community to reach a solution that will not overwhelm the residential quality of life that is a prime aspect of our historic, diverse community.

Where are we with the above???

You're thoughts are welcomed.

Thank you.

From: Marge Misak <marge.misak@gmail.com> Sent: Friday, October 28, 2022 2:39:40 PM (UTC+00:00) Monrovia, Reykjavik To: Board of Zoning Appeals <BoardofZoningAppeals@clevelandohio.gov> Subject: Calendar Nos. 22- 188 and 22-172

To the Cleveland Board of Zoning Appeals

Re: Calendar Nos. 22-188 and 22-172, 2915 Detroit Ave.

The owners are proposing projects that require off-street parking totalling 52 spaces, per the consolidated submission. They are proposing that they provide NO off-street parking. Several of these businesses will have entry/exits onto Church Ave, directly south of Detroit Ave, the address given for the businesses.

This is an egregious request and should be denied. The pedestrian overlay district already acknowledges a reduced need for off-street parking requirements and is a reasonable accommodation of parking needs.

Church Avenue is already very challenged for parking for its residents, since there is only room for parking on one side of the street, and overflow parking from businesses on West 29th Street, the cross street, already overwhelms Church Avenue and goes to Clinton Avenue. While Clinton Avenue, our street, is wide enough to handle off-street parking, patrons of businesses on Detroit will not realistically go that far to park

The neighborhood desperately needs an overall parking plan to accommodate an influx of businesses that bring cars (not local pedestrians) and the many new residents with cars.

Allowing a variance that allows businesses to externalize their cost of parking onto neighborhood residents by ignoring their businesses' parking needs would be a great disservice to the neighborhood and current residents.

We respectfully request that you deny this variance.

Sincerely, Margaret and James Misak 3018 Clinton Ave Cleveland, OH 44113

Franklin-Clinton Block Club

October 28, 2022

Cleveland Board of Zoning Appeals 601 Lakeside, Cleveland, Ohio 44114 Cleveland City Hall

Re: BZA Calendar No. 22-188 BZA Calendar No. 22-172 2915 Detroit Avenue

Dear Members of the Board of Zoning Appeals:

The Franklin-Clinton Block Club writes to inform you that at our October 27th meeting we discussed the above BZA variances requested by 2915 Detroit Avenue LLC. Unfortunately, we were unable to discuss the issue with the business owner as multiple requests over the past several months to Anne Hartnett, or her representative, to join us were declined.

Our block club members discussed the impact of additional parking variances being awarded to new businesses in the same geographical area where multiple parking variances have already been awarded. The block club discussed possible alternate parking solutions that should be explored by the business owner before the Board of Zoning Appeals considers the request to waive parking requirements.

Based on the unanimous agreement of the over 30 people in attendance at the block club meeting, our request at this time is to ask that the Board of Zoning Appeals either reject or table the request to waive the required 52 parking spaces when none are proposed, and no alternate solutions have been proposed, by 2915 Detroit Avenue LLC, until a discussion with the community to explore parking solutions that do not disadvantage the residents of the community has occurred.

Sincerely,

Alex Frondorf, Chair David Szamborski, Vice-Chair Karen Desotell, Secretary

cc: Councilman Kerry McCormack Tom McNair, OCI

Cleveland Board of Zoning Appeals

Old Business



Public Hearing



| 1. Cal. No. 22-196: | 1315 Elm Ct. | (KB,TB,AF,NH,PR) |
|----------------------|------------------------|-----------------------------------|
| 2. Cal. No. 22-198: | 3691 W. 105 St. | (KB, TB, AF, NH, PR) |
| 3. Cal. No. 22-199: | 3676 E. 65 St. | (KB,TB,AF,NH,PR) |
| 4. Cal. No. 22-200: | 13917 Liberty Ave. | (KB, TB, AF, NH, PR) |
| 5. Cal. No. 22-202: | 3381 Fulton Rd. | (KB,TB,AF,NH,PR) |
| 6. Cal. No. 22-176: | 6400-02 St. Clair Ave. | (KB,TB,AF,NH, PR) |
| 7. Cal. No. 22-180: | 3140 West 25 Street. | (KB,TB,AF,NH,PR)* |
| 8. Cal. No. 22-183: | 3244 St. Clair Ave. | (KB,TB,AF,NH,PR) |
| 9. Cal. No. 22-186: | 17426 Harvard Rd. | (KB,TB,AF,NH,PR)* |
| 10.Cal. No. 22-191: | 1331 West 70 Street. | (KB,AF,NH, PR)* |
| 11.Cal. No. 22-156: | 1303 West 65 St. | (KB,TB,NH,AF)* |
| 12.Cal. No. 22-184: | 1209 Clark Ave., | (AF,TB,NH,PR)* |
| 13.Cal. No. 22-018: | 4420 East 156 St. | (KB,TB,AF,MB)* REMINDER SENT |
| 14.Cal. No. 22-035: | 5807 Detroit Ave. | (KB,TB,AF, MB)*** req. rules sent |
| 15.Cal. No. 22-022: | 1010 E. 146 St. | (KB, TB, AF, MB)REMINDER SENT |
| 16.Cal. No. 22-41: | 1453 W. 116 St. | (KB, TB, AF, MB)* REMINDER SENT |
| 17. Cal. No. 21-203: | 8502 Hough Ave. | (KB, TB, AF, MB)* REMINDER SENT |
| 18. Cal. No. 21-202: | 5001 Memphis | (KB, MB,. AF)* REMINDER SENT |
| 19. Cal. No. 21-177: | 18403 Euclid Ave. | (KB, MB, AF)* REMINDER SENT |
| 20. Cal. No. 21-091: | 4157 Lorain Ave. | (D,KB,AF,MB)*REMINDER SENT |
| | | |

AFFIRMATION: none

UPCOMING POSTPONEMENT: NONE

MISC- None.

- ~ Items received
- * Pending the receipt of requested information by the Board.
- *** Request for Rehearing/Reconsideration.

Cleveland Board of Zoning Appeals

Adjournment

